United Nations CRC/C/VUT/CO/2-4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the second to fourth periodic reports of Vanuatu*

I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Vanuatu (CRC/C/VUT/2) at its 2238th and 2240th meetings (see CRC/C/SR.2238 and 2240), held on 21 and 22 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/VUT/Q/2/Add.1). However, the Committee regrets that the report was submitted with a considerable delay, which prevented the Committee from reviewing the implementation of the Convention by Vanuatu for 18 years. The Committee welcomes the constructive dialogue with the multisectoral delegation of the State party, which was successfully held through videoconferencing, a method that was suitable owing to the limited resources of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in several areas, including the ratification of or accession to international instruments, particularly the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the involvement of children in armed conflict. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Previous recommendations

4. **The Committee recommends that the State party take all measures necessary to address its recommendations made in 1999 (CRC/C/15/Add.111), which have not been implemented or not sufficiently implemented, particularly those relating to budget**

* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).

allocation (para. 11), training and dissemination (para. 12) and corporal punishment (para. 16).

Legislation

5. The Committee welcomes the establishment of the Vanuatu Law Commission and the ongoing legislative reform. However, the Committee is concerned that there is no comprehensive child protection law, that some laws still have to be harmonized with the Convention, particularly the Control of Marriage Act and the Penal Code, and that the 2008 Family Protection Act is not fully implemented.

6. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to implement the legislative revisions suggested by the Vanuatu Law Commission and bring the existing legislation into accordance with the Convention;**

(b) **Draft a bill on child protection, as envisaged under the 2016-2017 Vanuatu Child Protection Work Plan;**

(c) **Take prompt steps to implement the 2008 Family Protection Act and raise public awareness of the Act.**

Comprehensive policy and strategy

7. The Committee welcomes the adoption of the National Child Protection Policy 2016-2026. However, it remains concerned that there is no national strategy or plan of action for children and that a number of child-focused policies, such as the National Children's Policy 2007-2011, have expired and have not been reviewed.

8. **The Committee recommends that the State party:**

(a) **Allocate appropriate resources to implement the National Child Protection Policy 2016-2026;**

(b) **Adopt and implement a comprehensive national strategy for children to cover all areas of the Convention and allocate appropriate human, technical and financial resources for its implementation.**

Coordination

9. The Committee notes the establishment of the National Children's Committee in 2000. However, it is concerned that the National Children's Committee has not been fully functional since 2012 and that a number of newly established child-focused officer positions at the national and provincial levels have not been funded.

10. **The Committee recommends that the State party:**

(a) **Provide the National Children's Committee with the necessary human, technical and financial resources for its effective operation;**

(b) **Progressively allocate sufficient financial resources to fund the child-focused officer positions at the national and provincial levels.**

Allocation of resources

11. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee reiterates its previous concluding observations (CRC/C/15/Add.111, para. 11) and recommends that, when it plans its future budgets, the State party increase the budget allocation for children to the maximum extent possible, in accordance with article 4 of the Convention. In particular, it should increase the budget and expenditure for the Child Desk coordination within the Ministry of Justice and Community Services.**

Data collection

12. The Committee notes with appreciation the establishment of the Monitoring and Evaluation Unit within the Prime Minister's Office, the Health Information System and the Vanuatu Education Management Information System. However, it is concerned that:

(a) There is no clarity on how the work of the Monitoring and Evaluation Unit is aligned to the National Statistics Office and to what extent it influences the State party's policy planning and budgeting;

(b) Relevant nutritional indicators for children are not part of the Health Information System;

(c) The Vanuatu Education Management Information System monitors children who are in school only and does not address the prevalence of school-age children who are out of school. In addition, it does not monitor children with disabilities or provide for particular adjustments in connection with the degree and complex nature of disability.

13. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Enhance coordination between the Monitoring and Evaluation Unit and the National Statistics Office and ensure that the data collected are being used to inform the State party's planning, budgeting and monitoring for children;**

(b) **Strengthen administrative data, particularly in the Health Information System and the Vanuatu Education Management Information System, to include key indicators for children, appropriately disaggregated by, inter alia, age, sex, disability, ethnic origin, national origin, geographic location and socioeconomic status;**

(c) **Strengthen the data collection system to ensure that it captures qualitative and quantitative disaggregated data on children, including children with disabilities, particularly at the provincial level, and allocate appropriate human, technical and financial resources to it.**

Independent monitoring

14. The Committee notes the ongoing discussions on the establishment of a national human rights institution. However, it is concerned that there is no time frame for the establishment of an institution with a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner.

15. **With reference to its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Take measures to expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner;**

(b) **Seek technical cooperation from, among others, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme.**

Dissemination, awareness-raising and training

16. **While noting the awareness-raising on the Convention at the national and community levels, particularly the State party's partnership with civil society organizations, traditional leaders and churches, the Committee recalls its previous concluding observations (CRC/C/15/Add.111, para. 12) and recommends that the State party:**

(a) **Strengthen community awareness programmes, campaigns and efforts in order to ensure that the provisions and principles of the Convention are widely**

recognized and understood and make sure that children, parents, communities and church leaders play a key role in such initiatives;

(b) **Strengthen awareness at the national and local levels, particularly among government officials who work directly on children's rights, and among children's networks, parents and communities;**

(c) **Engage with communities and parents in discussion on children's rights, particularly on issues such as gender, child marriage and child labour.**

B. Definition of the child (art. 1)

17. The Committee is seriously concerned that the minimum age for marriage is still set at 16 for girls under the Control of Marriage Act.

18. **The Committee urges the State party to revise the Control of Marriage Act to ensure that the minimum age for marriage is established at 18 for both girls and boys, and to take all necessary measures to eliminate child marriage.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

19. The Committee notes that the State party's Constitution provides for protection from discrimination on several grounds. However, it is concerned that there remains de jure and de facto discrimination against children based on gender and disabilities.

20. **The Committee recommends that the State party take more active measures to end all forms of discrimination against children, particularly girls and children with disabilities.**

Respect for the views of the child

21. The Committee is concerned that there are no specific court rules for procedures dealing with children and that the Criminal Procedure Code is silent with regard to respect of children's views during criminal cases.

22. **With reference to article 12 of the Convention and its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party ensure that children's views are given due consideration in the family, at schools, in the courts and in all relevant administrative and legal proceedings concerning them through, inter alia, the adoption of appropriate legislation, including the revision of the Criminal Procedure Code, and training of relevant professionals.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

23. The Committee notes that the State party has made some progress in terms of birth registration coverage through the decentralization of birth registration services, mobile services and by strengthening the Civil Registry Department. However, it remains concerned at the difference in the level of birth registration depending on whether a child is born in a hospital facility or not. The Committee is also concerned at the accuracy of the registration details for children born out-of-wedlock and for those born to adolescent mothers.

24. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to implement early birth registration procedures and issuance of birth certificates, with particular focus on birth registration at the community level;**

(b) **Improve the level of registration of births that do not take place in hospital facilities and strengthen the use of mobile birth registration teams to cover remote communities;**

(c) **Launch extensive awareness-raising programmes about the importance of birth registration and the process by which the children are registered;**

(d) **Ensure the accuracy of registration details for children born out-of-wedlock and for those born to adolescent mothers;**

(e) **Develop strategies to change the societal mindset and negative attitudes towards unmarried mothers.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

25. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Amend existing legislation, particularly the Family Protection Act and the Penal Code, to explicitly prohibit corporal punishment in all settings;**

(b) **Immediately and effectively implement the Education Act prohibiting corporal punishment in schools and strengthen teacher training on alternative forms of discipline and ensure it is part of pre- and in-service training programmes;**

(c) **Develop guidelines for the implementation of the prohibition of corporal punishment, in accordance with the Education Act, and vigorously prosecute offenders;**

(d) **Provide programmes for parents, teachers, the police and professionals who work with and for children to encourage the use of alternative non-violent forms of discipline;**

(e) **Provide children with a complaints mechanism in schools so that they can safely and confidentially report teachers who continue to use corporal punishment despite the ban;**

(f) **Strengthen awareness-raising programmes, training and other activities to promote the change of mindset with regard to corporal punishment, particularly in schools, in the family and at the community level.**

Abuse, neglect and sexual exploitation and abuse

26. The Committee takes note of the amendments relating to sexual violence against children in the Penal Code Amendment Act No. 17 of 2003. However, the Committee remains seriously concerned at:

(a) The reportedly high level of sexual abuse, including sexual harassment within communities, and the significant underreporting of such abuse due to a fear of stigma;

(b) The reporting and settling of cases through the village chiefs, which may result in action being taken against the child victims or their families rather than the perpetrators;

(c) The fact that children are not sufficiently aware of existing reporting mechanisms or protection orders;

(d) The inadequate structures in place to support child victims of violence, such as special court procedures for hearing evidence, shelters and counselling;

(e) The shortage of specialized personnel and the absence of a specialized police unit for child victims;

(f) The fact that the Family Protection Units deal only with domestic cases of a non-sexual nature.

27. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee urges the State party to:**

(a) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and sexual exploitation, paying particular attention to the gender dimension of violence;**

(b) **Take all necessary measures to introduce special court procedures to hear evidence from child victims of violence and ensure that they receive psychological and recovery services, that they are aware of the existence of protection orders and the special court procedures, that they understand reporting procedures and that they are encouraged to report cases of domestic violence, particularly child sexual abuse, to the relevant authorities;**

(c) **Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**

(d) **Take all necessary measures to ensure that the Family Protection Units of the police receive adequate human, technical and financial resources, particularly specialized personnel, for dealing with cases of violence, sexual abuse and exploitation of children.**

Helplines

28. The Committee welcomes the establishment of the 24/7 children's helpline in Port Vila as part of the child online protection programme. However, it is concerned about children in the rest of the country and that not all children are aware of the helpline.

29. **The Committee recommends that the State party:**

(a) **Increase the availability of helplines, possibly by utilizing free mobile services;**

(b) **Promote awareness of how children can access the children's helpline and provide all the necessary human, financial and technical resources for its effective functioning.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

30. The Committee is concerned that there is no legal framework, policy or minimum standard in place to regulate the alternative care of children and that most children in alternative care are placed under kinship care or with extended family due to the absence of social welfare services. The Committee is also concerned that there are no monitoring mechanisms for alternative care institutions run by non-governmental organizations and family-based care for children.

31. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Establish a legal framework, policy and minimum standards for monitoring family-based care for children and alternative care institutions run by non-governmental organizations;**

(b) **Establish a system of foster care for children who cannot stay with their families, ensuring that institutionalization is used as a last resort;**

(d) The limited access to rehabilitation, early identification and referral programmes, as well as the limited funding and technical support to service providers and to families of children with disabilities.

35. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Strengthen the legislative framework by adopting the Disability Bill and implementing the National Disability Inclusive Development Policy 2016-2025;**

(b) **Develop and support community campaigns and programmes to address discrimination and stigma against children with disabilities and create awareness of early detection and interventions;**

(c) **Ensure that there are sufficient numbers of specialist teachers and professionals to provide individual support in all schools and that they are adequately trained so that children with all kinds of disabilities can effectively enjoy their right to quality inclusive education, including through international cooperation;**

(d) **Improve access to all public buildings, spaces, service delivery and transportation in all areas, especially rural communities;**

(e) **Expand community-based rehabilitation, early identification and referral programmes for children with disabilities and provide the necessary human, technical and financial support to service providers and families of children with disabilities.**

Health and health services

36. The Committee notes the 2011 Healthy Island Initiative, the Maternal, Infant and Young Child Feeding Guideline Vanuatu, the Vanuatu Integrated Management of Acute Malnutrition Guideline and the plan to use drones for timely vaccine delivery. However, the Committee is concerned at:

(a) The high rates of infant and under-5 mortality resulting from neonatal conditions and preventable causes, such as birth defects, diarrhoea, malaria and pneumonia;

(b) The low vaccination coverage, particularly in rural areas and outer islands;

(c) Stunting, underweight prevalence and malnutrition, which is a leading cause of child death in the State party;

(d) The low level of exclusive breastfeeding after the first three months;

(e) The inadequate childcare facilities, especially obstetric neonatal care facilities, owing to limited funding, the insufficient number of well-trained health workers for children and pregnant women and the poor access to health-care services, particularly in rural and remote areas, which all present significant barriers to the improvement of children's health.

37. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 3.2 of the Sustainable Development Goals to end preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:**

(a) **Take measures to reduce infant and under-5 mortality resulting from neonatal conditions and preventable diseases, such as pneumonia, malaria and diarrhoea;**

(b) **Scale up immunization, particularly in rural areas and outer islands, and provide sufficient investment in suitable technologies, such as delivery by drone, and human resource capacities for immunization services;**

(c) **Address chronic malnutrition and stunting in line with the newly developed guidelines on Integrated Management of Acute Malnutrition;**

(d) **Continue its measures to promote breastfeeding, such as baby-friendly hospitals, and encourage mothers to follow the recommended infant and young child feeding practices and the newly developed guidelines on Maternal, Infant and Young Child Feeding;**

(e) **Ensure that there are adequate facilities in place for the treatment of children, including sufficient numbers of well-trained health workers for children and pregnant women, especially obstetric neonatal care facilities, particularly in the rural areas;**

(f) **Strengthen its efforts to improve access to basic health-care services for all children, particularly in rural and remote areas, and provide mobile clinics with more resources so that they are more frequently available and reach a wider population;**

(g) **Implement and apply the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31).**

Mental health

38. The Committee is concerned that after the expiration of the National Mental Health Policy and Plan 2010, no new policy or action plan on children's mental health has been developed. It is also concerned at the insufficient number of personnel specialized in children's mental health issues.

39. **The Committee recommends that the State party evaluate the lapsed National Mental Health Policy 2009-2015 and its accompanying plan of action and use the findings of the assessment to formulate a new policy. It also recommends that the State party take all necessary measures, including through regional cooperation, to increase the capacity and the number of personnel specialized in children's mental health issues.**

Adolescent health

40. The Committee is concerned about:

(a) The high rate of teenage pregnancies and sexually transmitted infections among adolescents;

(b) The fact that sex education programmes do not pay enough attention to all aspects of prevention;

(c) The fact that abortion is a criminal offence without any exceptions in cases of rape or incest and that this prohibition leads teenage girls into unsafe abortions with consequent risk for their life and health;

(d) The limited access of teenage girls to safe reproductive and sexual health services, especially in rural areas and outer islands, and limited access to birth control methods, also due to fear of stigmatization;

(e) The negative cultural attitudes toward and religious beliefs concerning the use of condoms;

(f) The lack of a policy or action plan on alcohol consumption, smoking and substance abuse among adolescents and the limited programmes and services available to those affected.

41. **With reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents that pays attention to all aspects of prevention, including of sexually transmitted infections and of early pregnancies;**

(b) Ensure that sexual and reproductive health education is part of the mandatory school curriculum targeting adolescent girls and boys, with particular focus on preventing early pregnancy and sexually transmitted infections;

(c) Decriminalize abortion for cases of rape, incest and other unwanted pregnancies and ensure access to safe abortion and post-abortion care services, irrespective of whether abortion is legal or not. The views of the girl should always be heard and respected in abortion decisions;

(d) Improve adolescents' access to reproductive health-care and related services and increase support to reproductive health and family planning services, especially in rural areas;

(e) Increase efforts to address negative cultural and religious beliefs about the use of condoms and to ensure access to affordable contraceptive methods;

(f) Develop a policy and plan of action on alcohol, smoking and drug abuse by children and adolescents and provide them with accurate and objective information and life skills education on preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.

Impact of climate change on the rights of the child

42. The Committee welcomes the mainstreaming of the concepts of disaster risk management, climate change adaptation and energy in the National Reviewed Curriculum. However, it is concerned that the State party has not yet taken sufficient steps to fully incorporate climate change adaptation and disaster risk reduction in the school curriculum, does not have a comprehensive disaster-sensitive social protection system in place, that not enough is being done to include the special needs of children, including children with disabilities, in planning disaster risk reduction, preparedness, response and recovery, and that school infrastructure, particularly in remote areas, is not resilient and accessible in case of natural disaster.

43. **The Committee draws attention to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States. In particular, it recommends that the State party:**

(a) Implement the National Reviewed Curriculum in the next school year, include climate change adaptation and disaster risk reduction in the school curriculum and establish school-based programmes such as early warning systems;

(b) Develop a comprehensive disaster-sensitive social protection system and ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account;

(c) Review emergency protocols to include assistance and other support for children with disabilities during emergencies and natural disasters;

(d) Increase children's awareness and preparedness for climate change and natural disasters and increase the physical safety and resilience of school infrastructure;

(e) Ensure access to schools that are being or are likely to be affected by severe weather events, especially for those in remote or rural communities, and consider alternative methods of teaching;

(f) Improve data and assessments in order to establish an evidence base for risk reduction and preparedness, particularly for the distinct needs and priorities of children with disabilities.

Standard of living

44. The Committee is concerned at the prevalence of child poverty and regional disparities among the provinces in terms of access to housing, education, water, food and health.

45. **The Committee draws attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party:**

(a) **Consider holding targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty, with a view to strengthening the strategies and measures for fulfilling children's rights;**

(b) **Expand coverage to reach groups in disadvantaged situations that currently do not have improved access to water and sanitation, especially in rural and remote communities, in health-care facilities and in schools, including early childhood education centres;**

(c) **Include the specific needs of children with disabilities and of girls in measures to improve access to and the use of water, sanitation and hygiene facilities and services.**

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

46. The Committee notes the enactment and adoption of various policies and laws, including the 2014 Education Act, the Inclusive Education Policy and Strategic Plan 2010-2020, the Early Childhood Care and Education Policy 2017-2021 and the accompanying Minimum Quality Service Standards 2017, and the Vanuatu National Language Policy 2012, as well as increased enrolment rates in the recent years. However, the Committee is concerned that:

(a) Education is not compulsory;

(b) Enrolment rates in early childhood education and secondary level education are low, despite the recent increase;

(c) There are gender gaps at the primary and secondary school levels, with lower enrolment of boys;

(d) There are reports of over-age children entering the first level of primary school;

(e) There are disparities in the quality of and access to education between urban and remote areas, including a lack of sufficient boarding facilities for students, particularly girls.

47. **With reference to its general comment No. 1 (2001) on the aims of education, and taking note of target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities and children in vulnerable situations, the Committee recommends that the State party:**

(a) **Make primary education free and compulsory;**

(b) **Implement the recommendations of the National Children's Policy (2007-2014) review, in particular by increasing the number of certified teachers and increasing funding for education;**

(c) **Continue with measures to increase enrolment at the early childhood education and secondary school levels;**

(d) **Analyse the root causes of the lower enrolment of boys in primary and secondary schools and implement appropriate actions to remedy it;**

(e) Put in place accelerated programmes and facilitate access to non-formal education programmes for over-age children who are not attending school and have yet to complete primary level;

(f) Take measures to ensure equal access to quality education in all provinces, particularly in remote areas, including by establishing more boarding facilities for students, particularly girls;

(g) Develop a monitoring mechanism to ensure that early childhood centres implement the standards required and have indicators for improvement.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Economic exploitation, including child labour

48. The Committee is seriously concerned that the State party has made no progress in the elimination of worst forms of child labour. It is also particularly concerned that:

(a) There is no policy addressing child labour and no social programme aimed at prevention and support for children involved in child labour;

(b) A list of hazardous child labour, as required under the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), has not yet been adopted;

(c) The selling of newspapers in the street by boys, working in agriculture and non-attendance in school remains a challenge;

(d) There is no child-specific complaints mechanism able to effectively receive, monitor and investigate reports on cases of child exploitation.

49. **The Committee urges the State party to:**

(a) **Develop and adopt a policy on child labour and a list of hazardous child labour;**

(b) **Take the necessary measures to ensure that no child under 18 years of age engages in hazardous work and put in place social programmes that target the elimination of child labour, especially its worst forms;**

(c) **Determine the conditions in which light work, such as in agriculture, may be permitted and the number of hours children may be engaged in such employment;**

(d) **Strengthen coordination at the national level through mechanisms such as the National Children's Committee and other human rights committees;**

(e) **Establish a child-specific complaint mechanism that can receive, monitor and investigate reports on cases of child exploitation and raise children's awareness about it.**

Administration of juvenile justice

50. The Committee welcomes the amendment of the Correctional Services Act increasing the definition of a juvenile to 18 years. However, the Committee is seriously concerned that:

(a) There is still no law governing the administration of juvenile justice;

(b) The minimum age of criminal responsibility is set at the very low age of 10;

(c) The Penal Code provides for detention as a measure of last resort only for children under 16;

(d) There is a need for further capacity-building of the police in relation to the standard operating procedures and the competence to use them.

51. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:**

(a) **Adopt legislation on the administration of juvenile justice and ensure that children under the age of 18 are protected with the safeguards provided in the Penal Code;**

(b) **Establish specialized juvenile courts and procedures with adequate human, technical and financial resources, designate specialized judges and other relevant personnel for children and ensure that they receive appropriate education and training;**

(c) **Raise the minimum age of criminal responsibility in accordance with acceptable international standards;**

(d) **Incorporate child protection and specific standard operating procedures into the existing training curriculum for the police and introduce a performance-based management system to ensure accountability in applying their knowledge and skills.**

J. Ratification of the Optional Protocol on a communications procedure

52. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.**

K. Ratification of international human rights instruments

53. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:**

(a) **The International Convention on the Elimination of All Forms of Racial Discrimination;**

(b) **The International Covenant on Economic, Social and Cultural Rights;**

(c) **The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(d) **The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(e) **The International Convention for the Protection of All Persons from Enforced Disappearance.**

L. Cooperation with regional bodies

54. **The Committee recommends that the State party cooperate with, among others, the Association of Southeast Asian Nations Commission on the Promotion and Protection of the Rights of Women and Children.**

IV. Implementation and reporting

A. Follow-up and dissemination

55. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations**

are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

56. The Committee recommends that the State party continue to strengthen its national mechanism for reporting and follow-up, the National Human Rights Committee.

C. Next report

57. The Committee invites the State party to submit its combined fifth to seventh periodic reports by 5 February 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

58. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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Consideration of reports of States parties

List of issues in relation to the second periodic report of Vanuatu

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 June 2017. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide information on the resources, including in terms of budget, allocated for the implementation of the National Child Protection Policy 2016-2026 and on the steps taken to renew and provide resources for child-related policies that have expired. Please also provide information on the measures that have been taken to implement the Family Protection Act of 2008 and to set up an independent monitoring body for children's rights that can receive complaints.

2. Please provide information on the composition and resources available for the functioning of the National Children's Committee and on its role in the implementation of the Convention. Please inform the Committee of the resources available for the position of Child Desk Officer appointed to coordinate all activities related to the Convention.

3. Please provide information on measures taken to harmonize the definition of the child contained in all relevant laws in accordance with the definition contained in the Convention, in particular measures taken to amend the Control of Marriage Act, which allows for girls to marry at the age of 16 years.

4. Please provide information on measures taken to adopt and implement legislation prohibiting corporal punishment in all settings. Please also provide information on any legislative and administrative measures taken to combat domestic violence and the physical abuse of children, including sexual abuse, as well as information on activities to raise the public's awareness of child and sexual abuse.

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5. Please provide detailed information on the measures taken to prevent and prohibit harmful practices against children, including child marriage and practices involving the exchange of children, especially girls, as compensation.

6. Please update the Committee on the measures taken to develop an alternative care policy and minimum standards of care and to establish a network of services and a functioning social welfare workforce. Please also provide an update on the measures taken to reduce informal adoption between families and to regulate and monitor domestic and intercountry adoption.

7. Please indicate the steps that have been taken to develop a policy on children with disabilities, to eliminate discrimination and social stigma against them and to facilitate their full inclusion into society. Please provide information on the measures implemented by the State party to ensure effective access by children with disabilities to health, inclusive education, social services and transport.

8. Please inform the Committee of the steps taken to address stunting, chronic malnutrition, low immunization coverage, particularly in rural areas and the outer islands, child mortality, poor access to drinking water and sanitation, and to ensure exclusive breastfeeding, sexual and reproductive health education and services for adolescents, including family planning, and safe abortion services.

9. Please provide information on the measures taken to increase enrolment in early childhood programmes, including in the outer islands. Please indicate the steps that have been taken to address the shortage of trained teachers, facilitate children's access to non-formal education programmes, ensure a better quality of education, particularly in the outer islands, including at boarding facilities for girls, and raise the enrolment rate for boys.

10. Please provide information on the measures taken to develop a disaster-sensitive social protection system, include climate change adaptation and disaster risk reduction in the school curriculum and strengthen child-sensitive natural disaster and emergency responses.

11. Please inform the Committee of the measures taken to eliminate the worst forms of child labour, to strengthen the care and protection of children engaged in labour and to promote children s access to education.

12. Please provide information on any measures taken to develop comprehensive juvenile justice legislation, ensure that there are judges specialized in juvenile justice, provide training to all relevant actors, raise the age of criminal responsibility and extend the principle of detention as a last resort to children between 16 and 18 years of age. Please also provide information on the steps taken to keep juveniles in detention centres separate from adults.

Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

(a) New bills or laws, and their respective regulations;

(b) New institutions (and their mandates) or institutional reforms;

(c) Recently introduced policies, programmes and action plans and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

14. Please provide consolidated information for the past three years on the budget lines regarding children in the fields of education, health, social services and child protection, by indicating the percentage of each budget line in terms of the total national budget and the gross domestic product. In addition, please clarify whether there is a budget specifically for the implementation of the Convention.

15. Please provide information on measures taken, including any requests made for technical assistance, to establish a system of data collection and indicators consistent with the Convention. The data should be disaggregated, inter alia, by age, sex, ethnic origin, national origin, geographic location and socioeconomic status. Please also provide information on measures taken to strengthen the Health Information System and the Vanuatu Education Management Information System by including key indicators for children. Please also provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

(a) Child victims of abuse, including sexual abuse and exploitation;

(b) Investigations into cases of sexual violence and rape and the outcomes of trials, including with regard to the penalties imposed on perpetrators and to the redress and compensation offered to victims;

(c) Trafficking in and sexual exploitation of children;

(d) Children arrested, prosecuted and convicted;

(e) Child marriage;

(f) The enrolment and completion rates, in percentages, of children in pre-primary, primary and secondary schools;

(g) The number and percentage of children who drop out of school and who repeat an academic year.

16. Please provide data disaggregated by age, sex, disability, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

(a) Separated from their parents;

(b) Placed in institutions;

(c) Placed with foster families;

(d) Adopted domestically or through intercountry adoptions.

17. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

(a) Living with their families;

(b) Living in institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Out of school;

(g) Abandoned by their families.

18. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

19. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

United Nations CRC/C/VUT/Q/2/Add.1

Convention on the Rights of the Child

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11-29 September 2017
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the second periodic report of Vanuatu

Addendum

Replies of Vanuatu to the list of issues*

[Date received: 9 August 2017]

* The present document is being issued without formal editing.

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Part I

1. Please provide information on the resources, including budgetary allocation, for the implementation of the 2016-2026 National Child Protection Policy and on the steps taken to renew and provide resources to various expired child-related policies

1. In 2016, the Child Desk, with support from Ministry of Justice & Community Services (MJCS) Corporate Services Unit, advocated to increase the recurrent budget to enable wider implementation and government ownership of child protection activities.

2. A supplementary budget of VT1, 500,000 was allocated for 2016 (although much of this budget was frozen by Department of Finance before it was not spent), and has been included in our recurrent budget for 2017.

3. At the time being there is no specific budget allocation to the implementation of the National Children Protection Policy and Desk will be working on the Implementation Work Plan Budget Narrative to be prepare by Desk and submitted to MJCS Corporate Services.

4. Under the Ministry's structure, and with support from UNICEF, process has started to recruit 2 additional Provincial Child Protection Officers, to be based in Santo and Port Vila from 2017.

5. The Child Desk is staffed by one National Child Desk Officer and two Provincial Child Protection Program Officers, funded by UNICEF, at Tafea Pilot Sites (Port Narvin, Erromango & Loanapkamei/Lenakel — Tanna).

6. In February 2016, an Australian Volunteer for International Development (AVID) joined the office as the Child Desk Support Officer for a period of 12 months.

Please also advise what measures have been taken to implement the Family Protection Act 2008, as well as to set up an independent monitoring body for children's rights that can receive complaints

7. In August/September 2015 MJCS, Department of Women's Affairs (DWA) with the assistant of donor partners agreed on the new approach to piloting Authorised Persons (AP) and Registered Counsellors(RC). This new approach includes the MJCS hosting and providing oversight to the pilot approach with active support from key implementing partners including DWA, Department of Local Authorities, Vanuatu Courts/Judiciary, Vanuatu Police Force, and ideally the Vanuatu Women's Centre (and SRBJ).

8. Piloting of the Registered Councillor (RC) and Authorised Persons (AP) will run over the 12 month period and the assessment of the piloting will be baseline for the possibilities of replication. At present there is no independent monitoring body for children, however the capacity development of the RC and AP's through the assistance of Donor' partners cover the wider scope area of vulnerable groups in the community including children.

9. The challenges of the implementation of the Family Protection Act has been to identify the appropriate personnel to carry out this important task under the Act.

2. Please provide information on the composition and resources available for the functioning of the National Children's Committee and its role in the implementation of the Convention. Please also inform the Committee on the resources available for the position of the Child Desk Officer appointed to coordinate all activities related to the Convention

10. The National Children Committee last appointed in April 2012 with the core purpose of advising Government as the national coordinating body on the implementation of the Convention on the Rights of the Children in Vanuatu. The Committee has the

responsibilities of liaising with the leading Ministries as focal point for the implementation and reporting on the progress done under the specific articles on the Convention on the Right of Children. It has the function to coordinate the development of policies and enactment of legislation in support for the welfare of Children.

11. There was no budget allocated to the Committees after appointment, however the National Committee meeting expenses was supported through the Child Desk budget.

12. Early development of National Child Protection Policy in 2015 initiate the development of the National Child Protection Committee (NCPC) which is made up of the same stakeholder. The Committee act as a national level coordinating body to work towards ensuring that all children in Vanuatu are protected from violence, abuse, exploitation and neglect at all times including during emergencies. To strengthen child protection systems and institutions and mechanisms to protect the rights of vulnerable children.

13. The NCPC responsibilities entails the following:

(i) Overseeing and coordinating of the implementation of the National Child Protection Policy, as well as any other Child Protection issue that arises, as agreed upon by the NCPWG or directed by the Chai advocate and mobilise coordinated, targeted actions amongst government and civil society to prioritise, support and resource child protection in Vanuatu.

(ii) To ensure that child protection systems and activities are equitable and inclusive to all children.

(iii) To advocate the mainstreaming of child protection in all sectors, especially during emergency response and recovery.

14. The NCPWG composition is made of the Director General of the Ministry of Justice & Community Services will serve as Chair to the NCPWG. The Director of Women's Affairs will serve as Deputy Chair, and will carry out duties of the Chair when instructed to do so by the Chair. The Secretariat to the Committee is the Child Desk Office of the MJCS will the Secretariat of the National Child Protection Working Group (NCPWG). As necessary, the Child Desk Office will:

Resource available to Child Desk Officer to coordinate all activities to Convention

15. The Child Desk has the recurrent budget of Vt. 2 million allocated every year for the operation and implementation of activities. The Child Desk sit within the Ministry of Justice Services, Corporate Service and support by the Policy Unit of the Ministry.

16. Ministry currently recruit a Provincial Child Desk Officer to provide the support to the coordination role of the Child Desk Officer on activities in relation to the National Children Protection policy roll out and Convention.

3. Please provide information on measures taken to harmonize the definition of a child across all relevant laws in accordance with the definition under the Convention, in particular to amend the Control of Marriage Act which allows for girls to marry at 16

17. The Ministry of Justice and Community Service in consultation with the Vanuatu Law Commission, Judiciary, Vanuatu Correction Services and Office of the Public Prosecutors are the agencies that currently engage in harmonise the relevant law in alignments to the articles of the conventions. The Policy Unit based at the MJCS Corporate Services coordinate the review of the laws upon the request of the agencies.

18. The Correctional Service Act has been reviewed for the amendment of age of juvenile from 16 years to be increase to 18 years old. Section 21(3) of the Correctional Service Act listing of amendment was submitted in November 2016 to Drafting Units of the State Law Office for the amendment of the provision of the Act aligning the sec. 21(3) to the age of 18 years, allowing consistency with the appropriate age under the Convention for

the Right of a Child. There is also plan for the amendment of the Penal Code age of minority to be in consistent with Correctional Services Act.

19. Subsequently, Penal Code (Amendment) Act No 15 of 2016 draw on the increasing of maximum sentencing of sexual related offences, abduction and intentional assault. For sexual related offences, a separate provision is provided for additional penalty for victims below 18 years and below and 13 years old.

20. The Policy Unit of the Ministry of Justice in consultation with the Office of the Public Prosecutors, Vanuatu Correctional Services and State Law Office still need to amend section 38 of the Penal Code, amening 16 years of criminality liability age to be increase to 18 years. Control Marriage Act is within the Ministry plan to run consultation with Malvatumauri Council of Chief through Department of Women's Affairs.

4. Please provide information on measures taken to adopt and implement legislation prohibiting corporal punishment in all settings

21. Education Act [Cap. …] prohibits corporal punishment and provides other allowable forms of punishment and discipline that reinforce good behaviour.

22. Act stipulate the provision. Section 38 of the Act makes it mandatory for the Director General responsible for the Education and training to prepare guidelines that prohibit corporal punishment.

23. The extension of prohibition punishment has not been reflected in other relative legislation. Ministry has capture the objectives to have a standalone Child Protection Bill under the Vanuatu Child Protection Rolling Work Plan 2016-2017. With the support of Donor partners and UNICEF, Child Protection Bill should go into consultation and should cover the general application on the prohibition of corporal punishment in all setting.

Please also provide information on any legislative and administrative measures taken to combat domestic violence and physical abuse of children, including sexual abuse, as well as information on activities to sensitize the public about child and sexual abuse

24. The power of the Courts under the Family Law Protection Act No 28 of 2008 has progressed in its implementation and has contributed partly to the purposes of the Act. The deterrence effect of the Act has been implemented though the family protection order.

25. The appointment of Authorised person and Registered Counsellor to facilitate the referral mechanism under the Act has been isolated, analysed and piloted in various provinces from 2014, and 2017 purposively to allow Government through the Ministry of Justice & Community Services to adopt a sustainable approach that can be replicated. Reports on previous piloting has been successful in deterrence of domestic violence the provinces covered during that period.

26. The Penal Code (Amendment) No 15 of 2016 was purposively instituted as to assist the Court in providing fair and reasonable sentencing to all sexual related offences. Particulars of the amendment increase penalties of assault and abduction and additional penalties applied to victims below the age of 13 years old and 18 years old respectively.

27. In regards to awareness, the coordination of the Ministry through the assistance of donor partners has contributed to the dissemination of materials through Vanuatu Women' Centre, Disability Network Vanuatu and other Non-Government Organisation.

5. Please provide detailed information on the measures taken to prevent and prohibit harmful practices against children, including child marriages and practices involving the exchange of children, especially girls, as compensation

28. In addition to the revocation of 80,000vatu bride price by the Malvatumauri Council of Chiefs, the Courts precedent under the case *Public Prosecutor v. Andrew Kuao* and

Therese Sasia Case No 131 of 2009 and *Public Prosecutor v. Nalin Nawia* Case No.39 of 2010 has set the deterrence effect of the Rule law and stigmatized the customary practise. It recognition of the right of the chiid under the Constitution and UNCRC as invoked by the Courts in these two cases has set the benchmark and acceptable practise that exchange of children in relation reconciliation is not acceptable norm under the rule of law.

29. The notion of the compensation in exchanging children between parties as part of some customary practice in Vanuatu has been stigmatized as one of the customary practise as unacceptable under the rule of law. This customary norm has now been ceased for the past 3 years, since the Government and communities have realised the rights of children.

30. With regard to the age of marriage (16) for girls, it has not yet been changed as the Marriage of Control Act has not yet been amended. Ministry of Justice & Community Services in consultation with the Malvatumauri Council of Chief have set the priority for 2017-2018 law reform priorities on amending the marriage age.

31. The Penal Code (Amendment) Act No of 2016 purposively increase in maximum penalty of all sexual related offences and setting provisions for consecutive sentences on offender who commit offence again children below 13 years old and 18 years old respectively.

32. In April 2017, the Government through the Ministry of Justice in consultation with the Master of the Supreme Court has make media release on the mandate of preparing a proper Adoption Bill. The issues paper has been prepared and will be submitted to Council of Minister in July 2017 for the recommendation for the drafting of a Bill to address the issues arising in application of the Adoption Act 1959 UK.

6. Please update the Committee on the measures taken to develop alternative care policy, minimum standards of care and to establish a network of services and functioning social welfare workforce

33. There was a mapping done in 2009 and 2010 by UNICEF and government. In regards to the Framework of Social Welfare purposively to identify the Government and community commitment on social care. Two pilot sites in Tafea Province have been identified the links between the communities, province and government.

34. The launching of National Children Protection Policy 2016 — 2026 by Government in 2016 mark the first phase of Government commitment in implementation of the Policy. With core objectives of awareness and capacity development of services provider within the isolated islands of Vanuatu and establishment of referral mechanism of issues relating to infringement of the right and best of interest of the child, the Government wish to develop standard and guideline for child protection and strengthen legal framework for the Child Protection.

35. The capacity of the Children Desk and the Ministry of Justice and Community Services plays general co-ordination function across all sector of Government and Civil Society in development of Government policies in safe guarding the welfare.

36. With the assistance from development partners through the Vanuatu Child Protection Work Plan 2016-2017, the milestone of establishing a standalone Child and Children Protection Bill shall establish the basic legislative framework for a provision of social services.

Please also indicate the measures taken to reduce informal adoption between families and to regulate and monitor domestic and intercountry adoption

37. Government through the Civil Registry Department has implement policy in providing the services of providing birth certificate accessiole to all citizen of Vanuatu through enhancement of the electronics system making the provision of the services portable and not limited to locality of registered office.

38. In addition to the above development, the Civil Registry Department also strengthen the formalities of marriage registration and provision of the birth certificate in case of adoption.

39. Consultation has been carried with the Malvatumauri Council of Chief on the Council role as guardian of the Customs in Vanuatu. Acting as guardian of Custom and as a Constitutional body, any customary adoption taking place in Vanuatu, there shall be notice given to Malvatumauri Council of Chief for endorsement purpose, thereafter documentation will facilitate and provide some certainty in the to the Civil Registration Department in the registration of birth.

40. The easy accessibility of the birth certificate has trigger the case of informal adoption in accessing the formal registry through the Civil Registry and provision of advice to adoptive parent and biological parent for referral to the Malvatumauri Council of Chief for their endorsement before alteration can be made to the birth certificate.

41. In regards to the formal adoption, the Judiciary (Master of the Supreme Court) and Ministry of Justice & Community Services commence has submit commence in establishing of team to review of the Adoption Act of UK 1958. Council of Minister's paper has been tabled on 12 July 2017 for the endorsement of the COM for consultation to commence in August 2017.

42. The shift of handling of adoption cases from the busy schedule of the Supreme Court Judges to the Master of the Supreme Courts has dramatically speed up the process of formal adoption and also make it an urgent priority for the Ministry of Justice to have an Adoption Bill that address the issues isolated by the Ministry of Justice and Judiciary to be presented to Parliament by November 2017 Parliamentary Session.

7. Please indicate steps taken to develop a policy on children with disabilities, to eliminate discrimination and social stigma against them and to facilitate their full inclusion into society. Please provide information on the measures implemented by the State party to ensure effective access of children with disabilities to health, inclusive education, social and transport services

43. National Child Protection Policy 2016-2026 launched by Government in October 2016 affirm the Government's commitment to protect children from all forms of abuse, exploitation, neglect and violence, whilst also strengthening our child protection system, and to ensure we uphold our commitment under the United Nations Convention on the Rights of the Child.

44. The Policy is underpinned eight (8) principles to help establish basic norms and standards of good practice expected of stakeholders responsible for its implementation. The welfare of children, non-discrimination, and equal right to protection covers children may need focused attention because they are made more vulnerable by factors such as disability, marginalization, stigma, displacement, family separation, inadequate family care, adolescent motherhood and local practices which may cause harm to, or put children at risk. The implementation of the plan governs the monitoring and evaluation of framework which will ensure that Government through the Ministry of Justice and Community Services to coordinate the provision of services.

45. The former National Disability Policy 2016-2022 has been reviewed and altered to represent the inclusiveness of the Disability Policy that is going through consultation. The Disability Desk under the Ministry of Justice & Community Services with the disability stakeholders (NGO) has currently going through consultation for the incorporation and make up of inclusive disability policy with the community based rehabilitation strategy consolidated. It has significantly shifted to adopt an inclusive approach in addressing the vulnerable groups, children with disability to be accommodated in all opportunities.

8. Please inform the Committee on the steps taken to address stunting, chronic malnutrition, low immunisation coverage particularly in rural areas and outer islands, child mortality, poor access to drinking water and sanitation, and to ensure exclusive breastfeeding, sexual and reproductive health education and services for adolescents, including family planning, and safe abortion services

66. The Ministry of Health has specifically address the following subject matter as follows:

Stunning — "Pikinini Helt Buk "revised to incorporate stunting monitoring which was a gap in the last produced printed document. The revised publication provides the clear guide from particulars of health record of new born babies. The Ministry has put a lot of effort in formulating a translation of the guide into three common languages in Vanuatu. Trained trainers with regards to revised "Pikinini Helt Buk" is progressive as it synchronizes with trainings in MIYCF & Vanuatu Integrated Management of Malnutrition "guidelines. The Ministry of Health is currently doing bulk printing of the guidelines for dissemination.

Chronic malnutrition — malnutrition is monitored by height for age which was a gap in the last produced "Pikinini Helt Buk" but now has been incorporated. Vanuatu has developed with the assistance of South African Nutrition Consultant Andiswa Ngaka and Vanuatu team (being peer reviewed now by region Nutrition Consultant UNICEF to submit back final version by end of June 2017) first ever Guidelines reflecting Vanuatu policy documents for "Maternal, Infant and Young Child Feeding Guideline Vanuatu" and "Vanuatu Integrated Management of Acute Malnutrition Guideline. Trained trainers for MIYCF for country. Vanuatu has trained National Trainers 2 represented from each of the six provinces for the 2 guidelines mentioned. Roll out in the province and institute of training Vanuatu College of Nursing Education is pending the clearance and approval after regional peer review of both documents.

Low immunization — coverage particularly in rural areas and outer islands-plan Developed to address issues. One intervention associated with logistical issues concerning vaccine access. UNICEF with government have developed a plan in the use of drones to address timely access by service providers of vaccines. Drone implementation plan was launched on Wednesday 14th June 2017 and will be implemented in phases. The next step planned is trailing drone vaccine delivery from an old airport in North Efate (Takara Airport) to outer islands of SHEFA province Vaemali Hub Center.

Child mortality

67. With the assistance of the development partners, Government remain committed in developing Civil Registration in regards to registration of birth and death.

Poor access to drinking water and sanitation

68. Department of Water (DoW) in partnership with UNCEF continues in the sector strengthening. With NZ-MFAT funding, a 'no cost extension' was agreed on to enable completion of work by AFRA on the water project in Lamap, Malekula.

69. Supplies ordered by World Vision for the water project on east Malo, Sanma Province contracted by DoW, have arrived in country. DoW is in discussion with relevant departments to address the issue of government tax and duty exemptions for the materials. Through the Government Tender Board, Vanuatu Agricultural Suppliers won the bid to supply materials to DoW for implementation of the water project in Walarano, Malekula. UNICEF and DoW finalised the design for the water project on West Ambae. This will now be complimented by SPC supported drilling by the DoW team. Extension to the Luganville water supply system in Santo to enable Banban community to have access to

water was completed and launched by the Minister of Lands & Natural Resources (MoLNR)

50. In additional to the ongoing work on contracts, a number of other activities are on-going: a design team is in country currently to support development of the design document for the MFAT funded WASH in Schools (WinS) project in Penama Province; further Participatory Hygiene and Sanitation Trainings commenced in communities on Tanna led by CARE; and discussion took place with UNDP to fund the national water inventory from the ongoing Vanuatu Climate Adaption Programme (VCAP).

51. Extensive discussion was had with WASH stakeholders around the value of developing contingency agreements for mutual cooperation and use during crises. It is hoped that these will be finalized with partners in the coming months and have a two year validity.

52. DoW continue to host UNICEF WASH team where three staff provide technical assistance on: recovery projects; sector strengthening and development of national Water Policy. Additional capacity will be engaged to support the WinS in Penama. Development in the access to drinking and sanitation has been progressed with the assistance from development partners after the Cyclone Pam. Coordination and assistance provided by the UNICEF has shown through partnership with the NGO CARE to complete a Water for Life project on Tanna Island is progressing with funds from the New Zealand Ministry of Foreign Affairs and Trade (MFAT) and UNICEF.

53. The project has achieved the following results across eight communities: construction of 48 toilet slabs and seat risers; completion of training sessions on participatory hygiene and sanitation; mapping of water systems and water quality; training of trainers on drinking water safety and security plans (DWSSP); and launch of community DWSSPs.

54. Development partners also is on track to complete, by the end of April, the rehabilitation of WASH infrastructure in 19 schools and four health care facilities on Erromango, East Tanna and Aniwa. With the support of UNCEF and other development partners, a video on knowledge, attitudes and practices related to menstruation and the link between menstrual hygiene management and school retention rates among girls. The project is funded by MFAT recovery funds.

55. World Vision has nearly completed water projects on South Tanna and Oxfam is concluding WASH-related activities on the Islands of Epi and Emao in Shefa Province. Both projects are being implemented with UNICEF/MFAT funds under Department of Water Resources (DoWR) contracts.

56. UNICEF continues to support the DoWR's sector strengthening programme. There has been an identification on the need for additional funding for the MFAT-funded East Malo water project, the DoWR, MFAT and UNICEF agreed to a cost variation to the contract. Similar negotiations are under way between ADRA and UNICEF, DoWR and MFAT on a cost variation to the UNICEF-funded DoWR contract for the Lamap water construction project. UNICEF also is supporting the rehabilitation of the DoWR's drilling yard in Port Vila.

57. The design of the West Ambae water pumping station was finalized and the DoWR will tender the project. Meanwhile, hydrogeological surveying is underway by the Pacific Community, which has provided a drilling rig to the DoWR to drill bore holes in West Ambae as required by the UNICEF-funded project. Vanuatu Agriculture Suppliers have completed the delivery of materials to Walarano for use by DoWR.

58. A WASH in early childhood care and education centres (ECCE) pilot, funded by Dubai Cares, has commenced in Penama Province. Teams from UNICEF's WASH and Education Sections are collaborating on the transition of the pilot from design to implementation and a survey of ECCEs is to be completed with this aim. Complementary to this initiative, a WASH in Schools (WinS) project in Penama Province has been designed and a proposal submitted to MFAT via the UNICEF New Zealand National Committee. A consultant has been recruited whose responsibilities will include activities related to WASH in ECCEs and WinS.

59. The first draft of a WASH policy, developed with the support of a UNICEF technical advisor, was circulated to stakeholders for feedback and discussions are under way with the Ministry of Health (MoH) to develop a matching hygiene and sanitation policy. The MoH is interested in exploring the viability of privately-operated concession-based water supplies and having an asset management entity manage urban and peri-urban water supplies.

60. UNICEF continues to support efforts by the DoWR to strengthen information management. A UNICEF partner — the University of North Carolina — is reviewing the role of data in a National Water Policy that is currently under development with a view to enhancing evidence-based decision-making.

Exclusive breastfeeding

61. National guidelines also were developed as part of the RMNCAH programme on Maternal Infant Young Child Feeding (MIYCF) and Integrated Management of Acute Malnutrition (IMAM) with technical assistance provided from UNICEF. Training of trainers (ToT) on MIYCF was delivered to 22 health care workers from hospitals, health centres, dispensaries and NGOs representing all six provinces. The trainers will ensure health care workers have the necessary skills and knowledge to meet the newly developed national nutrition guidelines by delivering training on MIYCF in their respective provinces. ToT on IMAM that included nutrition in emergencies was delivered to 26 health workers from all the country's provinces. IMAM training is to be rolled out to provinces to ensure health workers have the necessary skills and knowledge to manage cases of children presenting with acute malnutrition at health care facilities.

62. To complement the ToT of health workers, 25 Peace Corps volunteers who support health care facilities in their designated communities were oriented on the MIYCF and IMAM guidelines.

63. Implementation of the UNJP for RMNCAH at the national level and in pilot provinces has continued in despite of an audit that was triggered due to challenges to a direct payment modality that is in place to provide direct cash advances to the MoH. Programme progress was reviewed at a quarterly RMNCAH coordination meeting, which highlighted achievements and proposed recommendations to address delays.

Sexual and reproductive health education and services for adolescents

64. A student health magazine published by the Malampa Provincial Health Team and UNJP on RMNCAH is providing lifesaving information to and promoting health-seeking behaviours among secondary school students in Malampa Province. Copies of the magazine will be distributed through school health clubs and programmes. Long-term family planning methods also were promoted in the province through the UNJP for RMNCAH, which benefited at least 283 women of reproductive age who were implanted with the modern contraception jadelle following the delivery in 2016 of training on the device to nurses in 2016. To date, 656 women, men and youth, together with 16 health committees, have been reached with messages on STIs/HIV with IEC materials during soccer and volleyball tournaments in communities in Malekula, North Ambrym, Lamap, and West Ambrym. Immunization activities supported through outreach visits to remote and underserved health facilities have reached 698 children in 2017. Preparations by MoH officials, provincial teams and UNJP partners are ongoing for a UNJP for RMNCAH midterm review that is scheduled to take plan in May.

9. Please provide information on the measures taken to increase enrolment in the early childhood programmes, including in the outer islands

65. Measure that have been taken by the Ministry of Education in increasing enrolment are, firstly, the Early Childhood Care and Education (ECCE) Policy (2017-2021) with core objective that all children will have access to ECCE Centres.

66. In support to EECE policy a Minimum Quality Service Standards 2017 is put place to support teacher qualification and ECCE Centre up grading. On the above development, the Ministry has mandate to propose for Government Grant to attached ECCE Centres and teacher salary from 2017. The Ministry of Education and Training has set it objective that 4-5 years old enrolment should be a compulsory across the nation.

67. All Provincial ECCE Coordinators and Mobile ECCE Officers throughout the country are the focal point of Government in ensuring that children are enrolled accordingly.

68. In support, the officers are working with VEMIS officers to ensure information is timely. Class 1, 6 years old campaign is an ongoing activity for the awareness and information sharing with communities on the rationale of enrolling children on 4-5 years old.

69. The overall enrolment in kindergarten, primary and secondary schools in Vanuatu is 80,800 students in 2015 of which 42,203 is male and 38,597 is female. The distribution of students by education authorities shows that the total enrolment in government schools has increased between 2012 and 2015. The VEMIS shows that the number of students enrolled in government primary schools has increased by 5.2% students in 2015. At secondary level, the number of students in government schools has increased by 11% between 2012 and 2015. This increase would emanate from the positive implementation of the universal primary education in Vanuatu.

70. Vanuatu has witnessed an increase of 6% in pupils attending pre-primary Early Childhood Education (ECE) schooling since 2012. This is a considerable increase. All kindergarten schools are run by communities, however the Ministry of Education and Training (MoET) continues to engage bilateral help and funding support from the development partners in order to improve the quality of access and learning in pre-primary education each year. New policy initiatives were developed to increase access to ECCE since 2012, which include a national Interim ECCE Results and Monitoring Framework that details the expected results of the ECE project. However, the number of students in non-government schools has decreased gradually by 12% since 2012. Over the same period, at secondary level, school enrolment has significantly increased by 39%.

Please indicate steps taken to address shortage of trained teachers, facilitate children's access to non-formal education programmes, ensure better quality of education, particularly in outer islands, including boarding facilities for girls, and raise the enrolment rate for boys

71. In addressing this issues, the Ministry of Education and Training has coordinate the program Untrained Teachers Training Program (UTP) which has been supported by Government partners in enlisting teacher in the UTP. Forty six (46) teachers started the program in 2015 and will graduated in December 2017. Two more intake was done this year with a total of 21 teachers on board.

72. All training is funded by the Government and is an ongoing program to which teachers that fail their courses are require to repeat the course at their own cost. Program is for secondly teachers who have a bachelor degree in their teaching subject but no teaching qualification.

73. Vanuatu Institute of Teachers Education has recruited an ECCE lecturer and TVET lecturer to coordinate the ECCE training and TVET training. About 29 teachers were granted scholarship this year.

10. Please provide information on the measures taken to develop a disaster sensitive social protection system, to include climate change adaptation and disaster risk reduction in the school curriculum and strengthen child-sensitive natural disaster and emergency responses

74. The Curriculum Development Unit has already mainstreamed the concepts of Disaster Risk Management, Climate Change Adaption and Energy in the National Reviewed Curriculum.

75. In the junior secondary level: years 7 to 10: these concepts are integrated in the Science syllabus under the strand (or topic) Earth science.

76. In the Senior Secondary level: years 11 to 13: Earth Science is taught as a subject. There are two main strands (or topics) that cover Climate Change, Disaster Risk Reduction and Energy in the senior levels.

77. Since Climate Change Adaptation and Disaster Rick Reduction are cross cutting issues, these concepts are also integrated in the Social Science and Agriculture subjects in Junior secondary and in the Geography, Development studies as well as in the Agriculture syllabi.

78. However while waiting for the reviewed curriculum to be implemented, the Curriculum Development Unit has introduced Climate Change educational resources into schools last year 2016.

79. Since August 2016 a National Teacher Training was delivered to secondary teachers and Zone Curriculum Advisors (ZCAs) on how to mainstream or integrate these concepts into the Years 1-13 curriculum currently being taught in classrooms and effectively use the new educational resources as supplement to teach the elements of Climate Change Adaption and Disaster Risk Management inside and outside the classroom. The teacher training is yet to be carried out for Shefa teachers and ZCAs.

11. Please inform the Committee on the measures taken to eliminate the worst forms of child labour and on measures taken to increase care and protection of children engaged in labour and to promote their access to education

80. The Vanuatu Government has recognised the importance of addressing the issue of youth development and has undertaken some policy initiatives. In 2000, the Government established the Ministry of Youth Development, Sports and Training which has developed a National Youth Policy and a National Sports Policy. The "Youth Policy — Priorities and Action Agenda 2006-2015" has been adopted but implementation remains a significant challenge.

81. Government National Sustainable Development Plan 2016-2030 has captured the priority under SOCIETY 4: An inclusive society which upholds human dignity and where the rights of all Ni-Vanuatu including women, youth, vulnerable groups and the elderly are supported, protected and promoted in our legislation and institutions. Specific policy directives provide the Promote youth and child protection services, to enable young people to play a key role in society.

82. Ratification of the Convention by the Worst Forms of Child Labour Convention (Ratification) Act No.7 of 2006 commit the Government to reflect on article of the Convention and observe and implement recommendations.

12. Please provide information on any measures taken to develop comprehensive juvenile justice legislation and specialised juvenile judges; to provide training to all relevant actors; to raise the age of criminal responsibility; and extend the principle of detention as the last resort to children between 16 and 18

83. The subject matter has been taken into account by the Government National Sustainable Development Plan (NSDP) 2016-2030. The strategic objectives in strengthening access to justice and institutional responses to children who are victims, witnesses or perpetrators of crime.

84. Government has ongoing plan in achieving parts of the NSDP through the arrangement for the establishment of infrastructure for juvenile, the drafting of Juvenile legislation and legislative reviews in regards to current legislation.

85. The Government through the MJCS in the status of completion of Correctional Services Facilities in Santo which is near completion. The facilities have been categorised as up to International standard correctional services and has a build in Juvenile facilities.

86. At present there are policy, regulation and handbook provided to relevant actors to provide guidelines in practise in specific regards to juvenile. Publication are as follow:

(i) Public Solicitor's Office Lawyer Handbook, 2015 Provides comprehensive and principles-based guidance to lawyers on dealing with juveniles from initial representations while in Police custody through to detention.

(ii) Practice Direction for Juvenile's in contact with Court Process, by Sophie Shah USP, 2013; Funded by UNICEF.

(iii) The establishment of the Pacific Judicial Development Program Memorandum of Understanding — Youth Justice in Vanuatu (2013).

(iv) Vanuatu Police Force Police Guidelines for handling Young People in Conflict with the Law, March 2011, UNICEF Guidelines are in place.

(v) Police Guidelines for Handling Young Victims and Witnesses. March 2011, UNICEF.

(vi) Improved court practices in Supreme Court (e.g. 'wig off' informal approach to dealing with juveniles, clearing the court room etc.) and in Magistrates Court (e.g. round table configuration).

Please also provide information on the steps taken to keep juveniles in detention centres separate from adults

87. The Vanuatu Police Force (VPF) have identified the need for a Juvenile Unit (included in 2014 VPF structure), and strengthening juvenile justice is a priority in the VPF Strategic Plan 2016-2020 and Business Plan 2016.

88. The importance of juvenile justice was also confirmed by initiatives developed by VPF participants in the Building Community Partnerships course, run in June to October 2016 that aimed to progress the establishment of the Juvenile Unit.

89. The initiative includes development and application of specialized approaches to juveniles, and promotion of diversion practices consistent with the current VPF guidelines, which are in place but not broadly or consistently applied.

90. The implementation of this initiative will draw on considerable resources to address infrastructure and facility development needs, as well as specialist training, but is likely to make an important contribution to improving the effectiveness and appropriateness of Police interactions with juveniles.

91. Department of Correctional Services are aware of the need to design and establish an operational model in the new Luganville Juvenile Correctional Centre that considers the specific social, educational and recreational need of juveniles in detention. It is also recognized that this will require considerable training of staff, and a particular interest in first time offenders and how the Centre can foster rehabilitation and behavioural change to reduce risk of reoffending, and support reintegration into community once a sentence is served. This initiative is being progressed through the DCS through partnership with the New Zealand Government.

Part II

13. In this section the Committee invites the State party to briefly update the information presented in its report with regard to

(a) New bills or laws, and their respective regulations

92. It additional to the respective amendment to the Penal Code (Amendment) Act No 17 of 2003, Employment Act [CAP 160] and the Correctional Service Act defining minor as person under age of 16 years of age as well the Passport Act [CAP108]. The Government through line Ministries has progressively making changes in to Act of Parliaments, and development of Amendment Bill to address the loopholes in the legislation addressing issues on the rights of child and principles of best interest of child. Law that has been amendment and amendment bill currently in progress to be presented in Government are as following.

(i) Penal Code (Amendment) Act No 15 of 2016

93. The amendment of Penal Code is purposively mend to enforce the deterrence effect of the Act of Parliament. The Ministry responsible for the Justice Sector underpin the purpose of Penal Code CAP 135 in combating the rise of morality crime.

94. The objective of amendment is to strengthen the purpose of the Penal Code in providing deterrence, aiming towards Individual deterrence of specific offender. The goal is to impose a sufficient penalty to discourage the offender from criminal behaviour.

95. Sexual related offences ranges from abduction, incest, rape and unlawful sexual intercourse. The urgency of the amendment of the Code is recommended to reflect the Government commitment in combating the rise in morality crime as well it shows the development of our Criminal law penalties benchmark on sexual related offences and assault to come to par with regional and commonwealth standards.

96. The recommendation provided in Criminal case *PP v. AR* (2015) VISC 31 which highlight the fact that the current penalties need to be reviewed and amended to assist the Courts in applying appropriate and fair penalties according to the seriousness of offences committed.

97. Application of maximum penalties provided by the Code has been dramatically reduced by the sentencing guideline used by Courts and has contributed to the Court arriving to minimum sentence which foreseeably lenient as compare to the seriousness nature of the offence, taking into consideration the aftermath effects to victim.

98. Proposed increase in maximum penalty under section 92, 95, 97(1) (2) and 107 of Penal Code CAP 135 emanate on the two primary issues.

99. Firstly, on the role of the Government in elevating the penalties to create a flood gate, combating the rise of all sexual related offence and intentional assault. The provision of separate penalty to offence committed to victim of 13 years old and 16 years old respectively.

100. This amendment also affirms the legislatures role in assisting the Judiciary in assuring that justice is served through imposing of a fair and appropriate sentences according to the elements of offences.

(ii) Correctional Services (Amendment) Bill

101. Amend section 21(3) by deleting "16 "in clause and insert "18".

102. The Amendment Bill of the Correctional Service Act deposited with the State Law Office, the Bill requires minors to be separated from adults in Correctional Centres where minors are under 16 years of age.

103. The amendment of this provision will ensure the statutory age of minor and adult under this Act is consistent with section 38 of the Penal Code [CAP 135] age of minor "16"

and below who are not subjected to imprisonment … Secondly the amendment of the minor age will align with UNCRC — Convention of the Right of a Child age of minor as 18 of age and below. Separation of minor from adult at this age stipulated will allow Correctional Centres to.

104. Remove reference to confinement throughout the Act as confusion with solitary confinement. The Act should not allow 'solitary confinement' (defined as 'confinement for more than 22 hours per day without meaningful human contact') Clarify what the nature of the punishment in s. 32 (2.d) so that it is consistent with Human Rights conventions and doesn't allow 'solitary confinement' Identify other appropriate punishments, consistent with Human Rights conventions.

105. The amendment is alignment to the CRPD review of the Act and omitting all discriminatory provision with person with disabilities.

(iii) Adoption Bill

106. The current law being used by the court is the Adoption Act of the UK 1958. This has been the law in place both prior to and following independence. The Act unfortunately neither contemplates nor makes provision for the customs of the Ni-Vanuatu or the resources available to accommodate any legislated acts. A redraft will give the opportunity to all relevant stakeholders like the Malvatumauri Council of Chiefs to have their voice taken into account.

107. Section 28 of the Act makes provision for adoption agencies to participate in making arrangements for the adoption of children by finding them suitable parents while conducting all necessary checks to ensure the suitability of adoptees, wherein, if deemed acceptable the child would be temporarily housed with the adoptees for a minimum period of 3 months.

108. This entire process takes place outside the Halls of Justice and the court is only moved to act upon the application of the adoptees to proceed with a full and final adoption.

109. In Vanuatu there are no such agencies and therefore, adoptions are more often than not private affairs transacted between biological parents and adoptees. The infant is allowed, without any initial intervention by the court to be placed in the custody of the adoptees.

110. There is considerable risk in this happening as no agency or court has had the opportunity to assess the suitability of the adoptees who could, within that 3 months prove a detrimental influence on the physical and mental health of the infant. A new Act will provide for immediate intervention by the court for the purpose of making an order to place the infant in the custody of the adoptees. This will be preceded by all necessary checks and assessments as to suitability as well as follow up assessments prior to a final hearing.

111. Section 29 of the Act makes it an offence for "anybody of persons", and I would venture to say, "Any person", to facilitate an adoption. Such a group or person is liable to a fine or imprisonment. As it currently stands, with no such agency in the jurisdiction it means therefore that all persons who have or participate in facilitating an adoption are guilty of an offence. These would include midwives, private citizens, lawyers, etc. who may work to put biological parents and adoptees in contact. This law is inadequate in that, while it can make provision for such adoption agencies it does need to take into account, that due to the geography of the country and the manner in which information is disseminated it is more than likely that adoptees will either directly contact or be put into contact with biological parents. Notwithstanding, inherent in this is the risk of children being sold or bartered without a medium and consideration of how to avoid or mitigate this risk, currently not contained in the Act, must be considered.

112. Section 1 of the Act and Article 343 of the French Civil Code are inconsistent in that one provides that adoptees must simply be married (no specification as to length of time) while the other provides that they must be married for 5 years or more. The judgment of Justice Harrop in Adoption Case 3 of 2014 in the matter of MM, paras. 24-30 & 37 is instructive in that it states that both laws must be read together as the Adoption law of Vanuatu and no one must be preferred over the other depending on the circumstances. Understanding why this section or article would be present, that is, to establish an enduring

domestic partnership between the adoptees to demonstrate commitment and stability of the home in which the infant is being placed, the court tends to take a broad approach if parties do not meet the 5 year criteria and request affidavit evidence to establish stability. The court abhors having to apply this broad purposive approach when Parliament would be best placed to reconcile the point.

113. In a growing global climate and with issues like the rights of the LGBT community being touted and issues of discrimination arising, consideration should be given to the possibility of same sex couples adopting. At present, there have been civil adoptions where it was allowed by one judge but disallowed by another. There must be consistency in the interpretation and application of the law. The writer is aware that in Adoption Case 3 of 2014 in the matter of MM, paras. 52-55 reference was made to the position of the Malvatumauri council disapproving of such adoptions and this was taking into consideration by the Judge in coming to a decision. While this tends to be a most emotive issue there must be reflection and consultation as to whether it will be permitted or not.

114. Since this Act has been in existence there have been two notable Conventions: The Hague Convention and The Convention on the Rights of the Child (CRC). Vanuatu is a signatory to the latter. There has been no reconciliation between the CRC and the Act. Urgent consideration will have to be given to becoming a signatory under the Hague Convention to take advantage of inter-country adoptions with countries like Australia, as well as bringing any new Act into parity with the Convention/Conventions.

115. Section 9 (7) of the Act provides for the appointment of a guardian ad litem to the infant. It makes no mention of who the possible appointees could be. The writer suggests that the Attorney-General as legal counsel to the State, responsible for protecting the property of the State, which includes its citizens, is the most important and obvious person to be responsible. This will allow the Attorney-General to direct his/her Crown Counsels to conduct all necessary assessments for the purpose of producing a comprehensive report to the court upon which a decision can be made.

116. And finally, the provision of Adoption Rules (not presently available) to prescribe the procedure must attend any new Adoption Act.

117. Ministry of Justice and Community Services in consultation with the stakeholders has make submission to the Council of Minister for the endorsement for drafting and consultation of the adoption bill. The Hon Minister for the Ministry of Justice & Community Services has set the dead line for the Bill to be presented before Parliament in Ordinary Session in November 2017.

Report and recommendation on the review of 101 Statutes

118. A legislative review for Compliance with the Convention on the Right of Person with Disability has been completed in 2017.

119. The report essentially comprises a gap analysis of approximately 300 laws, benchmark against all Articles of the CRPD. One third of the laws reviewed (101) was found to fall short in one wat or another of standards contained in key Articles of the Convention including equality and no-discrimination, accessibility, the right to equal recognition before the law, access to justice, liberty and security of person, living independently and being included in community. The review make recommendation how Vanuatu's law can be amended to improve compliance.

120. These recommendation is submitted to Government articulating major amendment that is priority to be coordinated by the Ministry of Justice through line Ministry for amendment of 101 Act of Parliament. Particulars of recommendations consecutively provide amendment to the following status;

121. Repeal the distinction between legitimate and illegitimate children. This contravenes Articles 5 and 8 of the CRPD as well as Article 2 of the CRC. The provision does not have any legal consequence, so there is no justification for its retention. It could also lead to stigma.

(iv) Disability Bill

122. The MJCS is working on drafting a Disability Bill that will be going through consultation this year 2017 and 2018. The Bill is Right based legislation and model has been successfully adopted in region. Assistance and support from regional partners are available to assist Government in progressing the related activities in drafting, consultation process of the Bill.

(v) Child Protection Bill

123. Government's Vanuatu Child Protection Rolling Work plan 2017-2018 provide the drafting of the Child Protection Bill as main objectives to be achieving. It is priority of the Child Desk and the Ministry of Justice & Community Services that this objective is achieved within plan.

(b) New institution of Government or any reform

124. Construction of Correctional Juvenile Centre in Santo is close to completion and the provision of Juvenile facility will allow juvenile to be protected under the Correctional system.

(c) Recently introduced policies, programmes and action plans and their scope and financing

(i) National Child Protection Policy 2016-2026

125. This National Child Protection Policy set a strategic and high level direction for child protection and for the development and strengthening of the child protection system in the country. Its development has been informed largely by the Child Protection Systems Mapping exercise undertaken in 2011 (and updated in 2014) as well as the Policy Directives and Action Plan for Protection of Ni Vanuatu Children (2012). These key documents suggest that given the limited funding available in Vanuatu to expand formal child protection services, the logistical challenges in providing services to remote islands, and the cultural barriers that need to be addressed to protect children from abuse and exploitation, a child protection system is needed that builds on positive traditional community-based systems (kastom, religion) whilst strengthening mechanisms within the formal sector (Education, Health, Judiciary, Police, etc.).

126. The task of developing and implementing a child protection system is therefore not only for the Government but requires the engagement and commitment of multiple stakeholders at national, provincial and community levels, working collaboratively and co-operatively towards a shared and common goal of creating an environment where children of, or living in Vanuatu are safe and protected from abuse, exploitation, neglect and violence, and have access to services to support their recovery when needed.

127. Vanuatu Child Protection Work plan by the Government with assistance of partner continues in the facilitating of meeting with implementing partners to confer on progress achieved on the Work plan in quarterly meeting and update on activities undertaken. Quarterly meetings serve a valuable purpose, allowing child protection partners to update one another, share successes and challenges and identify areas of possible collaboration.

(ii) National Gender Policy 2015-2019

128. This first National Policy on Gender Equality affirms the Vanuatu Government's commitment towards gender equality across all sectors and at all levels of society and the elimination of discrimination and violence against women and girls. The policy builds on previous national policy initiatives and is informed by extensive background research and consultation including:

- The 2006 National Women's Forum;
- The National Plan of Action for Women 2007-2011;
- Gender mapping and associated stakeholder consultations, 2013;

- Policy development consultations undertaken in Torba, Sanma, Penama, Malampa, Shefa and Tafea provinces, 2012-2013; and
- The 2015 national and provincial policy validation.

129. The future of Vanuatu is shaped by active participation and meaningful contribution of all citizens. Men and women must be equal partners, leaders, decision makers, contributors and beneficiaries of the country's growth and development. As such, while empowering women and girls is important, so too is the education and the engagement of men and boys in ensuring all people in Vanuatu stands on an equal platform and have fair opportunities.

130. The Government has budget support of total of VT158, 000,000 from development partners on Gender and Social inclusion in Vanuatu within the term of the policy.

(iii) Vanuatu National Disability Inclusive Development Policy 2016-2025

131. This National Disability Policy (the Policy) sets out a ten year national plan to strengthening, improve and promote lives of People with disabilities, their families and carers across the six provinces of Vanuatu. It draws on the findings of consultation conducted in 2015 by the national Disability Desk and regional partners who provides technical support for the review of the national disability policy. This policy replaces the first policy and will address the gaps and challenges that were identified during the implementation of the previous policy.

132. A national effort is needed to address the gaps in the implementation of the previous national disability policy to ensure necessary changes to transform the experiences of people with disability and demonstrate the benefits for all People with disabilities of more inclusive development and communities. This policy provides an opportunity to make clear the shared national vision for people with disability and to outline the future directions as mentioned in the previous plan.

133. Ni Vans with disability have significantly difficult life outcomes compared to people without Disabilities and people with disabilities in other countries.

134. People with disability are more likely to continue to experience:

- Relatively poor health
- Lower levels of participation in education, training and employment,
- Social exclusion
- Lack of access to goods, services and facilities
- Ongoing discrimination.
- Low self-esteem
- Stigma

135. These poor outcomes provide the drive for a significant increase in effort from.

136. Government, Non-government Organization (NGO), Private sector, Civil Society Organization (CSO) Communities and individual. Equal participation by people with disability will enrich life for all Ni- Vanuatu citizens with disabilities.

(d) Recent ratifications of human rights instruments

137. The Government has ratified 6 main United Nation Human Right Convention namely CEDAW, CRC, CRPD, CAT, ICCPR and UNCAC. There is not additional human right treaties ratifies at the moment.

Part III

Data, statistics and other information, if available

14. Please provide data for the last three years on the budgets allocated for children (in absolute terms and as a percentage of the total national budget and of gross domestic product) in the fields of education, health, social services and child protection. Please additionally clarify whether there is a budget specifically for the implementation of the Convention

138. The last three year budget allocation summary fall within the Government strategy of strengthening education management. Tables and narrative below summarise the budget allocation in the field of education.

Strengthen education management

Table below shows Total education expenditure as percentage of Gross Domestic Product (GDP), education sector, 2011-2015

Year	2011	2012	2013	2014	2015
Percentage	6.1%	6.4%	6.6%	7.1%	7.3%

139. The total of education expenditure is defined as the total general (local, regional and central) government expenditures on education (current, capital, and transfers) and it includes expenditure funded by transfers from international sources to government as percentage of a GDP. The education expenditure has risen from 6.1% in 2011 to 7.3% in 2015. In comparison to other pacific countries, the country has invested a higher percentage of its national budget to education sector in 2015. This indicates that the Vanuatu Government continues to set up for education sector development.

140. In 2015, the Ministry has been allocated an annual budget of 4,303,732,687VUV, approximately 24% of the total government appropriated recurrent budget of 17.773 billion Vatu. In comparison with the 2014 appropriated annual budget, there is an increase of 2.95% in 2015.

141. The table below shows the actual budgets allocated for children over the last the three years. The budget was used on Teacher's salaries and also on school grants. School grant was paid per head (student) for each school based on their enrolments.

	Year 2014			Year 2015			Year 2016		
	Budget	Expenditure	Balance	Budget	Expenditure	Balance	Budget	Expenditure	Balance
Teachers Salary									
			-			-			-
Primary	1 491 [illegible] 369	1 534 974 996	41 686 627	1 466 356 498	1 514 877 873	48 521 375	1 466 356 498	1 514 877 873	48 521 375
			-			-			-
Secondary	1 071 685 102	1 148 983 410	70 298 308	1 044 395 233	1 164 495 563	120 100 330	1 044 395 233	1 164 495 563	120 100 330
			-			-			-
VII	9 [illegible] 672 050	103 893 043	5 220 993	90 121 697	101 238 739	11 117 042	90 121 697	101 238 739	11 117 042
			-			-			-
VIII	[illegible] 667 618	59 857 404	2 189 786	57 466 278	63 386 644	5 920 366	57 466 278	63 386 644	5 920 366
School Grant			0						
ECCE	400 000	400 000	0	4 000 000	4 000 000	0	4 000 000	4 000 000	0

	Year 2014			Year 2015			Year 2016		
	Budget	*Expenditure*	*Balance*	*Budget*	*Expenditure*	*Balance*	*Budget*	*Expenditure*	*Balance*
Primary	252 690 663	252 890 663	0	316 113 529	316 113 529	0	316 113 529	316 113 529	0
Secondary	92 560 000	92 486 852	73 148	114 876 700	114 876 700	0	114 876 700	114 876 700	0
			-						
VIT	10 000 000	10 692 000	692 000	10 000 000	6 000 000	4 000 000	10 000 000	6 000 000	4 000 000
			-						
VITE	20 000 000	21 088 000	1 088 000	20 000 000	19 854 424	145 576	20 000 000	19 854 424	145 576
			-			-			-
Total	**3 104 163 802**	**3 225 266 368**	**121 102 566**	**3 123 329 735**	**3 304 843 272**	**181 513 537**	**3 123 329 735**	**3 304 843 272**	**181 513 537**

Management and Planning

142. This section has collated all budget and expenditure activities for overhead and payroll under the ministry which comprises of the following programs: Cabinet Services (510), Department of Education (540) and Teaching Service Commission and other Education Commissions and Councils (550) for the financial year of 2015.

Relevant indicators for MOET monitoring and evaluation

Indicator	*2011*	*2012*	*2013*	*2014*	*2015*
% education expenditure from total govt recurrent budget	26%	27%	26%	24%	24%
	Government costs per level of education (VUV per year)				
ECCE	4 000 000	4 000 000	4 000 000	4 000 000	4 000 000
Primary	1 804 610 452	1 765 738 345	1 715 321 656	252 890 663	1 843 199 001
Secondary	1 094 319 856	1 143 479 996	1 185 048 593	92 486 852	1 282 690 949
Post-Secondary (VIT, VITE)	176 288 054	178 342 797	697 217 351	31 780 000	190 841 767
Scholarships				433 633 027	608 124 738
PEB				24 214 000	23 605 193
ZCA				8 596 000	6 660 000
USP Fencing & Security	397 016 786	431 693 922	634 500 000	7 000 000	7 022 514

143. In 2015, the MoET was allocated an annual budget of 4,303,732,687VUV. This represented approximately 24% of the total government appropriated recurrent budget of 17.773 billion Vatu. In comparison with the 2014 appropriated annual budget, this is an increase in budget of 2.96%.

144. However, the original budget ceiling that was approved and allocated by Council of Ministers (COM) for the MoET for the 2015 financial year was 4,197,924,503VUV. However this amount increased to 4,303,732,687VUV and remained as the final appropriated budget for the ministry.

145. At present Budget has been appropriate to Education and Health Sector, Government is not in a position to appropriate specifically for the Child Protection policy under the Ministry of Justice and Community Services.

15. Please provide information on measures taken, including requests for technical assistance, to establish a system of data collection and indicators consistent with the Convention disaggregated by inter alia age, sex, ethnic origin, national origin, geographic location, and socio-economic status and to strengthen the Health Information System (HIS) and the Vanuatu Education Management Information System (VEMIS) with key indicators for children

Please also provide, if available, updated statistical data (disaggregated by age, sex, ethnic origin, national origin, geographic location, and socio-economic status) for the past three years on

Child victims of abuse, including victims of sexual abuse and exploitation

146. Data collected in the 2008 Child Protection Baseline Study. There is no current updated data in the last 3 years.

Investigation of cases of sexual violence and rape, and of the outcomes of trials, including on the penalties for perpetrators, and redress and compensation offered to the victims

147. According to the Offending against Morality in Vanuatu prepared by Department of Correctional Services (DOICS) this year 2017 about 60% of the offenders in system serving their sentence are offences against morality/sexual offending and some are repeat offenders. This rangers range from 50%-60% since the 2012.

Sentencing Length and types

148. The 2008 study indicate that over the ten years prior to 2008, longer sentence had been imposed for sexual offending, however there did not appear to be a reduction in the rate of sexual offending. In 2016, most of the offender receive 3-6 years imprisonment.

Redress and Compensation to Victim

149. There has been review of Victim pre-sentence reports and Policy summary of facts as necessary documentation of the impact of crime committed against a victim. Review of nature of Pre-Sentence report and the duties in carrying out the gathering of report has been scrutinized as relevant stakeholder need to address.

150. In 2016, a report was also prepared by the Public Prosecutor's Office. This report urges the Public Prosecutors Office to establish and recruit a Victim Support Officer in 2017. This officer will provide the support required by Victim during the Court process.

Trafficking in children and sexual exploitation

151. Currently the trafficking of children and sexual exploitation data is not accessible to make representation, however it is worth considering that the Government in consultation IOM Vanuatu, have commence with consultation work in providing statistic to Government.

152. The IMO Regional Programme Officer for Pacific MCP-EU Migration Action in consultation with Ministry of Justice and Community and Vanuatu Police Department in October 2015, now facilitating the recruitment of TA to provide assistance in scoping study in Vanuatu to establish base line data on smuggling and Trafficking in Person.

Children arrested, prosecuted and convicted

153. According to the Department of Correctional Service Report on Offending against morality, they were two offenders in 2016 who are 15 and 17 years old received community work as sentence.

Child marriage

154. There is update date provided on Child Marriage.

The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, in primary schools and in secondary schools

The number and percentage of dropouts and repeating students

199. A Technical Advisor (TA) was contracted to work with the Ministry of Education's VEMIS officer to establish a system of data collection. This TA is continuously working to update and upgrade the data base information of all school children on VEMIS. School teachers or principals have access to the open VEMIS system where they directly enter all relevant information about an individual student. This information is stored on open VEMIS and then could be access for decision making purposes. for example, paying school grant to schools.

GER in ECCE, Primary and Secondary Education, 2013-2015

ECCE	2013	2014	2015
Total Population (ages 3-5)	**21 124**	**21 748**	**22 177**
Total GER	97%	96%	98%
Female GER	96%	94%	96%
Male GER	98%	97%	98%

Primary	2013	2014	2015
Total Population (ages 6-11)	**37 018**	**37 897**	**38 912**
Total GER	119%	121%	118%
Female GER	117%	118%	116%
Male GER	121%	123%	119%

Secondary	2013	2014	2015
Total Population (ages 12-18)	**39 111**	**39 484**	**39 950**
Total GER	42%	50%	51%
Female GER	44%	52%	52%
Male GER	40%	48%	50%

NER in ECCE, Primary and Secondary Education, 2013-2015

ECCE	2013	2014	2015
Total Population (ages 3-5)	**21 124**	**21 748**	**22 177**
Total NER	43%	43%	43%
Female NER	43%	43%	43%
Male NER	42%	43%	43%

Primary	*2013*	*2014*	*2015*
Total Population (ages 6-11)	**37 018**	**37 897**	**38 912**
Total NER	86%	88%	86%
Female NER	87%	89%	87%
Male NER	86%	88%	86%

Secondary	*2013*	*2014*	*2015*
Total Population (ages 12-18)	**39 111**	**39 484**	**39 950**
Total NER	33%	35%	35%
Female NER	36%	38%	38%
Male NER	30%	32%	33%

Access to education

2010	*2011*	*2012*	*2013*	*2014*	*2015*
		Net Enrolment Rate (NER)			
ECE	40.5%	40.6%	44.4%	42.7%	42.8%	42.7%
Primary (Year 1-6)	88.1%	87.4%	86.7%	86.3%	88.0%	86.2%
Secondary (Year 7+)	31.8%	33.9%	33.1%	33.0%	34.9%	34.9%
		Gross Enrolment rate (GER)			
ECE	58.2%	58.3%	66.3%	63.4%	63.4%	64.5%
Primary (Year 1-6)	117.4%	118.1%	121.0%	119.4%	120.6%	118.0%
Secondary (Year 7-13)	42.1%	46.8%	46.8%	48.1%	50.1%	51.0%
New Entrants in primary Year 1 who have attended Early Childhood Development Program	70.5%	76.1%	59.6%	65.5%	66.4%	41.9%
Male	70.2%	76.3%	59.5%	64.1%	65.7%	40.7%
Female	76.0%	59.6%	66.9%	67.2%	43.3%	
% Under-age in primary schools, Year 1-6	1%	1%	1%	1%	1%	1%
% Over-age in primary schools, Year 1-6	24%	25%	27%	27%	26%	26%
NIR	39.7%	36.6%	36.0%	34.9%	35.5%	30.8%
GIR	123.2%	113.3%	118.2%	112.3%	119.3%	126.7%

2010	2011	2012	2013	2014	2015
Out-of-school children (6 to 11 years old)	11.8%	12.0%	12.9%	13.3%	11.7%	12.9%
			Average Dropout rate		
Primary (Year 1-6)	6.0%	8.0%	3.7%	6.6%	5.0%	8.7%
Secondary (Year 7-13)	39.9%	44.2%	33.5%	33.2%	34.0%	27.5%
			Average repetition rate		
Primary (Year 1-6)	15.1%	12.1%	14.6%	15.1%	14.4%	8.7%
Secondary (Year 7-13)	2.8%	3.0%	3.0%	3.6%	2.8%	1.7%
			Average Promotion rate		
Primary (Year 1-6)	78.2%	75.6%	81.7%	78.3%	80.6%	82.7%
Secondary (Year 7+)	73.3%	69.3%	63.5%	63.2%	63.3%	70.7%
Survival rate to Year 6	74.6%	69.5%	83.6%	70.8%	81.2%	79.1%
Survival rate to Year 13	9.8%	7.3%	11.7%	9.5%	21.6%	20.1%
Transition rate from Year 6-7	87.4%	84.0%	86.4%	85.2%	86.7%	85.2%
Completion Rate to Year 8	66.4%	67.1%	67.6%	66.7%	77.2%	67.5%
Male	61.6%	63.4%	67.5%	65.4%	76.8%	64.6%
Female	72.2%	71.1%	67.7%	72.3%	77.7%	70.7%

Source: VEMIS, 2015. The percentage of under and over aged children in primary education refers to 5 years old and 12 to 18 years old student.

156. The above summary table is giving an overview of relevant indicators for access by time series:

(i) The gross enrolment rate for ECE has increased by 2.3% in 2015 compared to 2014.

(ii) However, the net enrolment rate in ECE remains steady at around 42% since 2013.

(iii) At primary level, the gross enrolment rate has declined by 2% in 2015 and the net enrolment rate has also gone down from 88% in 2014 to 86.2% in 2015. About 346 students who were 10 and 11 years old in 2015 enrolled in lower secondary schools.

(iv) Concerning secondary education, the gross enrolment rate has shown a slight increase of 1.7% in 2015 when the net enrolment rate remains steady at 34.9% in 2014 and 2015.

157. The gap between the GERs and NERs for primary and secondary education substantiates the high number of repeaters in the early year levels in primary schools. In 2015, 8.7% students repeat in primary schools and 1.7% of students repeat in secondary schools.

158. The gross intake ratio in first year of primary was at 126.7% in 2015, it indicates a high degree of access to primary education. It also indicates the capacity of the education system to provide access to year 1 for all official school-entrance age population. The net intake ratio on the other hand was at 30.8%, therefore the gap between the GIR and NIR indicates that 12.1% of students repeat in year 1 in 2015.

159. Percentage of out-of-school children in primary education is one of the core indicators for SDG 4. This indicator varies between 12% children in 2012 to 13% in 2015. The purpose of this indicator is to identify the size of the population in the official primary school age range who are out of schools. This group of children should be targeted for policies and efforts in achieving universal primary education in Vanuatu. There are several factors that could contribute to the out-of-school children in primary education. First of for most, education in Vanuatu is not compulsory. The actual out-of-school children in Shefa province is 13.7% in 2015.

16. Please provide data disaggregated by age, sex, disability, socio-economic background, ethnic origin and geographical location regarding the situation of children deprived of a family environment, covering the past three years, on the number of children

(a) Separated from their parents

160. Government through the Department of Civil Registry and stakeholders has not provide clear disaggregated date for children under this category.

(b) Placed in institutions

161. There is no institution currently available to provide the foreseeable services.

(c) Placed with foster families

162. There is indicator, report that Government can make representation on for children who fall under this category.

(d) Adopted domestically or through inter-country adoptions.

163. The statistic available through the Courts granted adoption provide that from 2006 to 2011 there 11 adoption granted. From the period of 2012 to 2017 there is 134 adoption granted by the Court. 15% of the total of adoption are inter- country adoption.

17. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities

164. At present there is no disaggregated data providing that present head of (a)-(g).

165. The MICS through the assistance of donor partners has establish partnership with the National Statistical Office (VNSO) through the Vanuatu Pilot Survey on Person with Disabilities. The objective of the survey was to gather information for policy-makers, planners and programme managers on:

(a) The number of person with disability;

(b) The type of disabilities;

(c) The status of person with disabilities (e.g. health, education);

(d) The needs of person with disabilities;

(e) The skills of person with disabilities;

(f) Access to services by person with disabilities;

(g) Access to the daily environment by persons with disabilities.

166. The key goal of the pilot survey was to test a tool and methodology, and develop recommendations for further disability data collection.

167. There are children with disabilities who enrolled in formal primary schools. About 2.9% students in primary schools were identified as having disability problems in 2015. Some of these students are not able to adapt themselves with the normal teaching and learning development in the classrooms. These children may leave school and this is a complex issue that needs to be addressed

168. There is no such data available now, even though there are children living with disabilities that m cts or falls under all criteria listed above. Work in progressing now for the Vanuatu Education Management Information System (VEMIS) to build a data base which could capture all this information. However, below is a table showing data for 2013, taken from the National Statistics office.

Data of children with disability-2013

Year	*2013*					
Specifics	*Age*	*Sex*	*Type of disability*	*Ethnic Origin*	*Geographical location (Rural urban)*	*Total in figure & %*
Living with families (Immediate/extended)						
Living in Institutions	-	-	-	-	-	-
Attending regular primary schools						59.9% = 5 537
Attending regular secondary schools						17.7% = 1 636
Attending special schools	-	-	-		-	-
Out of school						5.1% = 471
Abandoned by their families						
Never attended school						9% = 832
Total number of people living with disabilities in Vanuatu in 2013						**9 245**

18. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments

Vanuatu Pilot Survey on Person with Disabilities Report 2015

169. Coordinated by the Disability Desk Officer and an officer from the National Statistics Office through the implementation of a survey tools to gather important statistic. Survey was based on the lack of information on the location, prevalence and needs of person with disabilities, and calls for increased disability data collection.

170. Data collected has help the Desk and Stakeholders to be inform and evaluate intervention that aim to prevent or reduce the impact of disability; inform the adaptation of mainstream services and programmes to enable them to become more inclusive; inform the development of specific disability support services targeted at people with disabilities.

171. According to the Survey report, approximately 12% of the population reported having some form of disability. More people with Disability were generally found at 44 years old and over. In term of education, survey provide approximately 58% had attend primary school and 11.9 percent attend secondary school and 19.6 has never attend school.

19. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention

172. Article 34 (b) of the Convention on Sexual exploitation and sexual abuse is priority on regards to the implementation of the Convention. Statistic of morality offences is alarming and Government is setting up its policy and reviewing of law to address the increasing rate of morality offence.